



Comptroller General
of the United States

515251

Washington, D.C. 20548

Decision

Matter of: Johnson Technology

File: B-256110

Date: March 28, 1994

DECISION

UNC/Johnson Technology protests the qualification requirements in request for proposals (RFP) No. F41608-94-R-0028, issued by the Kelly Air Force Base, Texas for Stage 1 High Pressure Turbine Shrouds applicable to the TF-39 engine used in the C-5 aircraft.¹ Johnson contends that the qualification requirements of the RFP unduly restricts competition and are not consistent with the agency's standards for qualification for similar parts of equal or greater operating characteristics. We dismiss this protest.

The RFP was issued on October 4, 1993, on a sole-source basis pursuant to the Competition in Contracting Act of 1984, 10 U.S.C. § 2304(c)(1) (1988) to the General Electric Company, the only approved source for the item. The solicitation, as amended, contemplated the award of a 2-year requirements contract for a best estimated quantity of 13,440 for each year. Prospective offerors, other than the approved source, were required to submit a source approval request (SAR) and meet specific qualification requirements in order to obtain engineering source approval. Included in the requirements was the need for completion of a 1,000 "C" cycle engine endurance test.² The qualification requirements also allowed for approval based on proof of satisfactory manufacture of production quantities of the

¹The shroud is a critical engine part that forms a portion of the outer aerodynamic flow path through the turbine and also forms a pressure seal to prevent high pressure gas leakage. It is exposed to extremely high temperatures and pressures from the engine exhaust gases.

²This test is an accelerated endurance test used to simulate engine usage between major shop visits. The test simulates engine performance during engine start, idle, take-off, climb to altitude, and shutdown.

approval part or a similar component within the last 4 years. Johnson had previously submitted SARs for this item on two prior occasions which were denied on August 12, 1991 and April 8, 1993.

Prior to the December 27 date closing date for receipt of proposals, Johnson filed this protest with our Office. Johnson argues that the RFP qualification requirements are arbitrary and not consistent with agency standards for qualification for similar parts of equal or greater operating characteristics and unduly restrict competition. Johnson specifically takes issue with the need for completion of the 1,000 "C" cycle engine endurance test.

Three offers, including ones from Johnson and GE, were received by the closing date. GE's offered price was lower than Johnson's price. Johnson submitted an updated SAR based on its manufacture of a similar item. Johnson's SAR was disapproved on December 28 because of numerous deficiencies which resulted in the agency's determination that Johnson's part did not demonstrate Johnson's capability to perform the process required to manufacture the shroud.

The record shows that Johnson proposed a higher price based on its product, which was not source approved and had not satisfied the 1,000 "C" cycle engine test. Johnson does not argue that the qualification requirements prevented Johnson from being the low offeror. In fact, Johnson based its offer on its source approval package which does not involve meeting the endurance test.

We will not review a protest of allegedly restrictive requirements where the evaluation of offers subsequently discloses that the protester is not the low offeror in line for award and the complained of provisions had no material effect on the protester's pricing. See Teledyne CME-- Recon., B-228368.2, Mar. 21, 1988, 88-1 CPD ¶ 291; Whittaker-Yardney Power Sys., B-227831, Sept. 10, 1987, 87-2 CPD ¶ 232; Ven-Tel, Inc., B-204233, Mar. 8, 1982, 82-1 CPD ¶ 207. That is the situation here.

Therefore, the protest is dismissed.

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